IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLICATION NO.35 OF 2005

Dnyandeo Namdeo Alashe (Dharasurkar)...Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Rahul S. Kate, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

18th March 2005

P.C.:

. Heard Counsel for the parties. Rule. Rule returnable forthwith by consent. Mr. Konde Deshmukh, A.P.P., waives notice for the Respondent. As short point is involved, application is taken up for final disposal forthwith by consent.

. This application takes exception to the order passed by the J.M.F.C., Wai, dated January 3, 2005, rejecting the Applicant's application for return of property. The property in question is motor vehicle, Maruti Zen car seized by the Panchgani Police Station in CR.No. 20/2004 in relation to offence punishable under sections 320 and 120-B of the Indian Penal Code. It is not in dispute that the Applicant has not been named as accused in the said offence. The case of the Applicant is that he had given the said car to the accused, who, in turn, must have misutilised the vehicle in the commission of the offence. The fact that the Applicant is the owner of the vehicle is not in dispute. The learned A.P.P. fairly accepts the above position. If it is so, the appropriate course is to return the property in question to the Applicant on executing requisite indemnity bond with undertaking to produce the vehicle before the trial Court as and when called upon by the trial Court in that behalf. The vehicle in question be made over to the Applicant only upon execution of indemnity bond and on giving appropriate undertaking to the satisfaction of the trial Court. Application

disposed of on the above terms.